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**HF 2438** – Enticement of a Minor (LSB 1327HZ.1)

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Fiscal Note Version – As amended by S-5194

Requested by Senator Keith Kreiman

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### **Description**

**House File 2438**, as amended by S-5194, amends the definition of a Class D felony for enticing a minor, and creates an aggravated misdemeanor offense of attempting to entice a minor.

### **Background**

#### **Correctional and Fiscal Information**

Creating the aggravated misdemeanor offense for attempting to entice a minor provides an alternate penalty. According to the Justice Data Warehouse, 31.0% of the Class D felonies were convicted as charged.

#### **Minority Data Information**

- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimate available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.
- Iowa's prison population was 8,454 offenders on June 30, 2009. Men comprised 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
- The majority of sex offenders admitted to DOC custody or supervision are white non-Hispanic males.

### **Assumptions**

#### **Correctional and Fiscal Information**

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- The criminal sentencing enhancement takes effect July 1, 2009. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
- There is no increase for indigent defense.
- These cases will be bench trials.

**Minority Data Information:** Approximately 14.0% of Iowa's population has at least one disability. The number of offenders convicted under this Bill with a disability may be 14.0%.

## **Summary of Impacts**

**Correctional Impact:** There will be an estimated 7 offenders annually convicted of a Class D felony under the Amendment that are convicted of an aggravated misdemeanor under current law. Four of these offenders will be sentenced to prison in FY 2011. Of these four, a percentage would have gone to prison under current law as an aggravated misdemeanor. Under the Amendment, they will be sentenced as a Class D felon and will stay in prison longer compared to current law.

The prison population will increase because the length of stay for a Class D felon sex offender (34.1 months) is 68.9% longer than an aggravated misdemeanor sex offender (10.6 months). The table below shows the correctional impact on the prison system. The population increases by more than the number of admissions because the average length of stay exceeds one year.

**Projected Prison Population Increase**

FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
4	10	15	18	20

## **Minority Impact**

The minority impact is expected to be minimal because the majority of offenders convicted under Iowa Code Section 710.10 are white non-Hispanic males.

## **Fiscal Impact**

The fiscal impact is estimated to be a \$14,000 cost to the General Fund in FY 2011. This estimate includes additional costs for the prison system (\$13,000) and the court system (\$1,000). The fiscal impact for FY 2012 is estimated to be a \$68,200 cost to the General Fund. This estimate includes additional costs for the prison system (\$66,800) and the court system (\$1,400).

## **Sources**

Judicial Branch  
Department of Corrections  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Office of the State Public Defender  
Department of Public Safety

/s/ Holly M. Lyons

March 9, 2010

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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